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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

APPELLANTS' MAIN BRIEF ON APPEAL

APPELLANTS: Satoshi Obata et al. OLD DOCKET NO.: KOIK-P9501
NEW DOCKET NO.: 09793822-0133
SERIAL NO.: 09/462,342 GROUP ART UNIT: 2697
FILING DATE: January 7, 2000 EXAMINER: C. Swickhamer
INVENTION: "APPARATUS AND METHOD FOR TRANSMITTING
INFORMATION, APPARATUS AND METHOD FOR RECEIVING
INFORMATION, APPARATUS AND METHOD FOR
TRANSMITTING AND RECEIVING INFORMATION, AND
RECORDING MEDIUM"

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SIR:

In accordance with the provisions of 37 C.F.R. §1.192, Appellants submit this Main Brief on Appeal in support of the appeal of the above-referenced application.

I. REAL PARTY IN INTEREST:

The real party in interest in the present appeal is the Assignee, Sony Corporation, a Japanese Corporation. The assignment was recorded in the U.S. Patent and Trademark Office at Reel 010585, Frame 0132.

II. RELATED APPEALS AND INTERFERENCES:

There are no related appeals and no related interferences.

III. STATUS OF CLAIMS:

Claims 1-3, 5-9 and 11-21 are pending in the application. Claims 16-21 are withdrawn from consideration as being directed to a non-elected invention. Claims 4 and 10 have been canceled. The present appeal is directed to claims 1-3, 5-9 and 11-15, which were finally rejected

in an Office Action dated July 25, 2003. A copy of the claims is appended hereto as the Appendix.

The status of the claims on appeal is as follows:

Claims 1-3, 5-9 and 11-15 are rejected under 35 U.S.C. §102(b) as being anticipated by *Takabatake et al.* (EP 0 835 037 A2). Appellants note that, in the Office Action of July 25, 2003, the Examiner mistakenly refers to the cited reference as "Kabushiki et al.," however, the first named inventor of EP 0 835 037 A2 is Takabatake.

IV. STATUS OF AMENDMENTS:

An Amendment "C" is filed accompanying this Main Brief on Appeal. In the amendment, claims 7, 11 and 12 are amended to place those claims in better form for appeal. Appellants submit that the amendment does not raise the issue of new matter or necessitate a new search. Appellants request entry of the amendments to claims 7, 11 and 12 prior to consideration of the Main Brief on Appeal.

All other amendments have been entered in this application.

V. SUMMARY OF THE INVENTION:

This application relates to the transmission and reception of video information over a network. (Page 1, lines 7-14). When video information is received, the video information is synthesized with graphical user interface (GUI) information and the combination of received video information and GUI information is output. (Page 18, lines 11-19; Figures 11B and 12A).

In an illustrative example, methods and systems consistent with the present invention enable a video teleconference between remote participants at their respective homes. (Figures 1 and 12A).

As shown in Figures 11B and 12A, video information 71 showing one of the participants of the teleconference is received and synthesized with GUI information 78 for output, for example, onto a display. (Figures 11B and 12A).

In summary, claims 1-3 and 5-6 relate to transmitting information: claims 1-3 claim an information transmitting apparatus; claim 5 claims a method of transmitting information; and claim 6 claims a recording medium recording a program designed to perform a method similar to claim 5. Claims 7-9 and 11-12 relate to receiving information: claims 7-9 claim an information receiving apparatus; claim 11 claims a method of receiving information; and claim 12 claims a recording medium recording a program designed to perform a method similar to claim 11. Claim 13-15 relate to transmitting and receiving information: claim 13 claims an information transmitting/receiving apparatus; claim 14 claims a method of transmitting and receiving information; and claim 15 claims a recording medium recording a program designed to perform a method similar to claim 14.

For clarity, all of the elements of each claim on appeal are not described in this summary. Instead, a description of the claimed subject matter that is pertinent for comparison to the reference cited in the Final Rejection is described.

Each of the claims on appeal claims a means or step of receiving video information input. As described in the specification, in an illustrative example, a CPU 41 in an information transmitting/receiving apparatus (home router) 4-1 initiates the process of receiving video information input. (Figures 2, step 13 of Figure 14B; page 24, line 8). The information transmitting/receiving apparatus (home router) 4-1 is for use in a first network 5-1. (Page 14, lines 10-15; Figures 1 and 2). The information transmitting/receiving apparatus (home router) 4-1 is designed to receive information via a second network 1 from another information transmitting/receiving apparatus (another home router) 4-2 incorporated in a third network 5-2. (Page 12, lines 2-15; Figures 1 and 2).

As described in the specification with reference to the illustrative flow diagram in Figure 15, an ATM interface 45 in the information transmitting/receiving apparatus (home router) 4-1 receives an IP packet from the second network 1 under the control of the CPU 41. (Page 24, lines

10-11; Figures 1, 2 and 5; Figure 15 step 51). The CPU 41 extracts a digital video (DV) packet from the IP packet. (Page 24, line 15; Figure 15 step 52).

Each of the claims on appeal also claims a GUI generating means or GUI-generating step of generating a GUI, synthesizing the GUI with the received video information, and outputting a combination of the GUI and the video information. The CPU 41 generates the GUI, which is shown in illustrative examples in Figures 9, 11B and 12A. (Page 18, lines 11-13). The GUI is synthesized with the received video information (DV) so that the video information (DV) is presented within a display section 72 of the GUI. (Page 18, lines 18-19; Figures 11B and 12A). The combination of the GUI and the video information (DV) are output to a monitor 6-1. (Page 18, lines 11-21).

Thus, Appellants claim generating a GUI, synthesizing the GUI with received video information, and outputting a combination of the GUI and the video information. (Page 18, lines 11-21). This is unlike conventional devices that output either GUI or received video information, but not a combination of GUI synthesized with received video information.

VI. ISSUES:

The issue on Appeal is as follows:

Whether the subject matter of claims 1-3, 5-9 and 11-15 was disclosed at the time the subject matter of those claims were made, under the provisions of 35 U.S.C. §102(b), based on the teachings of *Takabatake et al.*

VII. GROUPING OF CLAIMS:

Claims 1-3, 5-8 and 13-15 stand or fall together. Claims 9 and 11-12 stand or fall together, as they have been amended as shown in the Amendment "C" filed concurrently herewith.

VIII. ARGUMENT:

Claims 1-3, 5-9 and 11-15 are not anticipated under 35 U.S.C. §102(b)
based on the teachings of *Takabatake et al.*

A. The Claimed Invention

The present invention provides methods, apparatuses, and recording mediums that relate to receiving video information input, generating a GUI, synthesizing the GUI with the received video information, and outputting a combination of the GUI and the video information. The present application contains nine independent claims, namely claims 1, 5, 6, 7, 11, 12, 13, 14 and 15.

Claim 1 claims an information transmitting apparatus for use in a first network, designed to transmit information via a second network to an information receiving apparatus incorporated in a third network. The information transmitting apparatus comprises band-receiving means for reserving a band for the second network; generating means for generating a mapping table showing the address of the information receiving apparatus; transmitting means for transmitting information by referring to the mapping table generated by the generating means; receiving means for receiving video information input; and GUI-generating means for generating a GUI, synthesizing the GUI with the video information received by the receiving means and outputting a combination of the GUI and the video information.

Claim 5 claims a method of transmitting information in an apparatus for use in a first network, designed to transmit information via a second network to an information receiving apparatus incorporated in a third network. The method comprises: a band-reserving step of reserving a band for the second network; a generating step of generating a mapping table showing the address of the information-receiving apparatus; a transmitting step of transmitting information by referring to the mapping table generated in the generating step; a receiving step of receiving video information input; and a GUI-generating step of generating a GUI, synthesizing the GUI with the received video information, and outputting a combination of the GUI and the

video information.

Claim 6 claims a recording medium recording a program for use in a first network, designed to perform a process of transmitting information via a second network to an information receiving apparatus incorporated in a third network. The recording medium is characterized in that said program can be executed by a computer and includes: a band-reserving step of reserving a band for the second network; a generating step of generating a mapping table showing the address of the information-receiving apparatus; a transmitting step of transmitting information by referring to the mapping table generated in the generating step; a receiving step of receiving video information input; and a GUI-generating step of generating a GUI, synthesizing the GUI with the received video information, outputting a combination of the GUI and the video information.

Claim 7 claims an information receiving apparatus for use in a first network, designed to receive information via a second network from an information transmitting apparatus incorporated in a third network. The information receiving apparatus comprises generating means for generating a mapping table showing the address of the information transmitting apparatus; and transfer means for transferring information by referring to the mapping table generated by the generating means, the information comprising a GUI generated by the information transmitting apparatus synthesized with a video information received by the information transmitting apparatus.

Claim 11 claims a method of receiving information in an information receiving apparatus used in a first network, designed to receive information via a second network from an information transmitting apparatus incorporated in a third network. The method comprises a generating step of generating a mapping table showing the address of the information transmitting apparatus; and a step of transferring information by referring to the mapping table generated in the generating step, the information comprising a GUI generated by the information transmitting apparatus synthesized with a video information received by the information

transmitting apparatus.

Claim 12 claims a recording medium recording a program for use in a first network, designed to perform a process of receiving information via a second network from an information transmitting apparatus incorporated in a third network. The recording medium is characterized in that said program can be executed by a computer and includes: a generating step of generating a mapping table showing the address of the information transmitting apparatus; and a step of transferring information by referring to the mapping table generated in the generating step, the information comprising a GUI generated by the information transmitting apparatus synthesized with a video information received by the information transmitting apparatus.

Claim 13 claims an information transmitting/receiving apparatus for transmitting and receiving information through a plurality of networks. The information transmitting/receiving apparatus comprises: reserving means for reserving bands for the networks; generating means for generating a mapping table showing the address of a destination; communicating means for communicating information by referring to the mapping table generated by the generating means; receiving means for receiving video information input; and GUI-generating means for generating a GUI, synthesizing the GUI with the video information received by the receiving means and outputting a combination of the GUI and the video information.

Claim 14 claims a method of transmitting and receiving information in an information transmitting/receiving apparatus for transmitting and receiving information through a plurality of networks. The method comprises: a reserving step of reserving bands for the networks; a generating step of generating a mapping table showing the address of a destination; a communicating step of communicating information by referring to the mapping table generated in the generating step; a receiving step of receiving video information input; and a GUI-generating step of generating a GUI, synthesizing the GUI with the video information received in the receiving step and outputting a combination of the GUI and the video information.

Claim 15 claims a recording medium recording a program for use in an information transmitting/receiving apparatus for transmitting and receiving information through a plurality of networks. The recording medium is characterized in that said program can be executed by a computer and includes: a reserving step of reserving bands for the networks; a generating step of generating a mapping table showing the address of a destination; a communicating step of communicating information by referring to the mapping table generated by the generating means; a receiving step of receiving video information input; and a GUI-generating step of generating a GUI, synthesizing the GUI with the video information receiving in the receiving step and outputting a combination of the GUI and the video information.

B. The Rejection

The Final Rejection rejects the pending claims as being allegedly anticipated by *Takabatake et al.* (EP 0 835 037 A2). According to the Examiner, *Takabatake et al.* discloses:

"receiving means for receiving IP packets containing program guide (video input) information; and browser (GUI)-generating means for generating a browser (GUI), synthesizing the browser (GUI) with the IP packets containing program guide (video) information received by the receiving means and outputting a combination of the browser (GUI) and the IP packets with program guide (video) information to the video terminal (col. 31, lns. 15-35)."

(Final Rejection of 7/25/2003, page 3).

Thus, the Examiner believes that *Takabatake et al.*'s "IP packets containing program guide information" are a video input and believes that that program guide anticipates Applicants' claimed received video information.

C. Takabatake et al. Fails to Disclose the Features of the Claimed Invention

Appellants submit that none of the claims are anticipated by *Takabatake et al.* A proper rejection under 35 U.S.C. § 102 requires that the single reference upon which the Examiner relies

in rejecting all of the claims set forth each and every limitation of the claimed invention. Here, *Takabatake et al.* fails to disclose limitations of the claimed invention, namely receiving video information input, synthesizing a GUI with the received video information, and outputting a combination of the GUI and the video information. Therefore, the rejection under 35 U.S.C. §102 is improper and should be reversed.

1. ***Takabatake et al.'s* program guide fails to anticipate Applicants' claimed received video information**

Takabatake et al.'s program guide is not video information. As described in Applicants' specification, Applicants' claimed video information is video. Unlike Applicants' claimed video information, *Takabatake et al.'s* program guide is a HyperText Markup Language (HTML) file.

Takabatake et al. discloses a system in which a user can use a browser to view a program guide that lists available videos for retrieval over the Internet. The user chooses one of the listed videos and then receives the chosen video over the Internet for viewing. The program guide is provided by a guide server 102, and the video is provided by a video server 101. (*Takabatake et al.*, col. 20, lines 10-25; col. 22, lines 5-12; col. 31, lines 35-52).

It appears that the Examiner believes that *Takabatake et al.'s* program guide is video, since the Examiner refers to the program guide as "program guide (video)." (Final Rejection of 7/25/2003, page 3). However, *Takabatake et al.* clearly states that its program guide is not video, instead its program guide is merely a HyperText Markup Language (HTML) file. (*Takabatake et al.*, col. 22, lines 5-12). As stated in *Takabatake et al.*, the "program guide is produced by the HTML (HyperText Markup Language)." (*Takabatake et al.*, col. 22, lines 5-12). As is known in the art, an HTML file is a text-based file, not a video file. *Takabatake et al.'s* transmits its HTML program guide over the Internet, where it is received by a video terminal 106. "[T]he video terminal 106 is in a form of a Web terminal (browser), and the program guide itself is transmitted through the IP (Internet Protocol)." (*Takabatake et al.*, col. 22, lines 5-12).

Takabatake et al. goes on to clearly state that after its program guide has been transferred to the video terminal 106 (browser), then its operations change to transfer video to its video terminal 106. (*Takabatake et al.* , col. 31, lines 35-52). Specifically, after describing its delivery of the program guide, *Takabatake et al.* goes on to state,

"When these procedures are finished, the operation proceeds to a procedure for the purpose of video delivery. First, a control signal for program transmission is transmitted from the guide server 102 to the video server 1-1 (step S404 of Fig. 4). This control signal exchanges the basis information concerning the video transmission such as which program is transmitted for how long and to whom. . . . After that, the exchanges for procedures that should be done prior to the video transmission are carried out between the video server 101 and the video terminal 106."

(*Takabatake et al.*, col. 31, lines 35-52).

Thus, *Takabatake et al.* clearly differentiates between its program guide and its video information. *Takabatake et al.* first transmits its program guide as an HTML file and displays the program guide, and then transmits its video information and displays the video separately from the program guide. Therefore, *Takabatake et al.*'s program guide is not video information and could not read on Applicants' claimed video information.

Accordingly, for at least this reason, *Takabatake et al.* fails to anticipate Applicants' claimed invention.

2. ***Takabatake et al.*'s fails to disclose synthesizing a GUI with a received video information**

As *Takabatake et al.* fails to disclose receiving Applicants' claimed video information, *Takabatake et al.* could not teach synthesizing a GUI with a received video information. Applicant claims synthesizing a graphical user interface (GUI) with a received video information.

As illustratively depicted in Applicants' Figure 12A, Applicant synthesizes a GUI with a video information 71, enabling the combination of GUI and video information to be output.

This is unlike *Takabatake et al.*, which displays its program guide using a browser (video terminal 106). As discussed above, *Takabatake et al.*'s program guide is an HTML file, which is not video information. *Takabatake et al.* displays its program guide on its video terminal 106 so that a user can choose a video to watch. After the user selects a program to watch on the video terminal 106, *Takabatake et al.*'s video terminal 106 stops presenting the program guide and then receives and displays the chosen video. (*Takabatake et al.*, col. 31, lines 35-52).

Therefore, *Takabatake et al.* does not disclose synthesizing a video information with a GUI. Instead, *Takabatake et al.* merely discloses displaying its HTML-based program guide using a browser.

Accordingly, for at least this additional reason, *Takabatake et al.* fails to disclose each and every element of Applicants' claimed invention.

3. ***Takabatake et al.*'s fails to disclose outputting a combination of a GUI and a received video information**

As *Takabatake et al.* fails to disclose receiving Applicants' claimed video information or synthesizing a GUI with received video information, *Takabatake et al.* could not teach outputting a combination of a GUI and a received video information. As illustratively depicted in Applicants' Figure 12A, Applicant outputs a combination of a GUI synthesized with a video information 71.

This is unlike *Takabatake et al.*, which merely displays its program guide alone and then displays video information alone. As discussed above, *Takabatake et al.*'s program guide is an HTML file, which is not video information. *Takabatake et al.* displays its program guide on its video terminal 106 so that a user can choose a video to watch. After the user selects a program to watch on the video terminal 106, *Takabatake et al.*'s video terminal 106 stops presenting the

program guide and then receives and displays the chosen video. (*Takabatake et al.*, col. 31, lines 35-52).

Therefore, *Takabatake et al.* does not disclose outputting a combination of a GUI synthesized with a video information. Instead, *Takabatake et al.* merely discloses displaying its HTML-based program guide using a browser and then displaying a video information.


Accordingly, for at least this additional reason, *Takabatake et al.* fails to disclose each and every element of Applicants' claimed invention.

Accordingly, Appellants respectfully request that the Board reverse the rejection of the pending claims under 35 U.S.C. §102(b).

IX. CONCLUSION:

For the foregoing reasons, Appellants respectfully submit that the rejections posed by the Examiner are improper as a matter of law and fact. Accordingly, Appellants respectfully request the Board reverse the rejections of claims 1-3, 5-9 and 11-15 and allow claims 1-3, 5-9 and 11-15.

Respectfully submitted,

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APPENDIX

1. (Previously presented) An information transmitting apparatus for use in a first network, designed to transmit information via a second network to an information receiving apparatus incorporated in a third network, characterized by comprising band-receiving means for reserving a band for the second network; generating means for generating a mapping table showing the address of the information receiving apparatus; transmitting means for transmitting information by referring to the mapping table generated by the generating means; receiving means for receiving video information input; and GUI-generating means for generating a GUI, synthesizing the GUI with the video information received by the receiving means and outputting a combination of the GUI and the video information.

2. (Original) An information transmitting apparatus according to claim 1, characterized in that the generating means generates a mapping table showing the channel number of the first network, the address of the second network and the channel number of the third network, which correspond to one another.

3. (Original) An information transmitting apparatus according to claim 2, characterized in that the first and third networks are IEEE1394 serial-data bus networks.

4. (Canceled).

5. (Previously presented) A method of transmitting information in an apparatus for use in a first network, designed to transmit information via a second network to an information receiving apparatus incorporated in a third network, characterized by comprising: a band-

reserving step of reserving a band for the second network; a generating step of generating a mapping table showing the address of the information-receiving apparatus; a transmitting step of transmitting information by referring to the mapping table generated in the generating step; a receiving step of receiving video information input; and a GUI-generating step of generating a GUI, synthesizing the GUI with the received video information, and outputting a combination of the GUI and the video information.

6. (Previously presented) A recording medium recording a program for use in a first network, designed to perform a process of transmitting information via a second network to an information receiving apparatus incorporated in a third network, characterized in that said program can be executed by a computer and includes: a band-reserving step of reserving a band for the second network; a generating step of generating a mapping table showing the address of the information-receiving apparatus; a transmitting step of transmitting information by referring to the mapping table generated in the generating step; a receiving step of receiving video information input; and a GUI-generating step of generating a GUI, synthesizing the GUI with the received video information, outputting a combination of the GUI and the video information.

7. (Previously presented) An information receiving apparatus for use in a first network, designed to receive information via a second network from an information transmitting apparatus incorporated in a third network, characterized by comprising generating means for generating a mapping table showing the address of the information transmitting apparatus; and transfer means for transferring information by referring to the mapping table generated by the generating means, the information comprising a GUI generated by the information transmitting apparatus synthesized with a video information received by the information transmitting apparatus.

8. (Original) An information receiving apparatus according to claim 7, characterized in that the generating means generates a mapping table showing the channel number of the first network, the address of the second network and the port number of the third network, which correspond to one another.

9. (Original) An information receiving apparatus according to claim 8, characterized in that the first and third networks are IEEE1394 serial-data bus networks.

10. (Canceled).

11. (Previously presented) A method of receiving information in an information receiving apparatus used in a first network, designed to receive information via a second network from an information transmitting apparatus incorporated in a third network, characterized by comprising; a generating step of generating a mapping table showing the address of the information transmitting apparatus; and a step of transferring information by referring to the mapping table generated in the generating step, the information comprising a GUI generated by the information transmitting apparatus synthesized with a video information received by the information transmitting apparatus.

12. (Previously presented) A recording medium recording a program for use in a first network, designed to perform a process of receiving information via a second network from an information transmitting apparatus incorporated in a third network, characterized in that said program can be executed by a computer and includes: a generating step of generating a mapping table showing the address of the information transmitting apparatus; and a step of transferring information by referring to the mapping table generated in the generating step, the information

comprising a GUI generated by the information transmitting apparatus synthesized with a video information received by the information transmitting apparatus.

13. (Original) An information transmitting/receiving apparatus for transmitting and receiving information through a plurality of networks, characterized by comprising: reserving means for reserving bands for the networks; generating means for generating a mapping table showing the address of a destination; communicating means for communicating information by referring to the mapping table generated by the generating means; receiving means for receiving video information input; and GUI-generating means for generating a GUI, synthesizing the GUI with the video information received by the receiving means and outputting a combination of the GUI and the video information.

14. (Original) A method of transmitting and receiving information in an information transmitting/receiving apparatus for transmitting and receiving information through a plurality of networks, characterized by comprising: a reserving step of reserving bands for the networks; a generating step of generating a mapping table showing the address of a destination; a communicating step of communicating information by referring to the mapping table generated in the generating step; a receiving step of receiving video information input; and a GUI-generating step of generating a GUI, synthesizing the GUI with the video information received in the receiving step and outputting a combination of the GUI and the video information.

15. (Original) A recording medium recording a program for use in an information transmitting/receiving apparatus for transmitting and receiving information through a plurality of networks, characterized in that said program can be executed by a computer and includes: a reserving step of reserving bands for the networks; a generating step of generating a mapping

table showing the address of a destination; a communicating step of communicating information by referring to the mapping table generated by the generating means; a receiving step of receiving video information input; and a GUI-generating step of generating a GUI, synthesizing the GUI with the video information receiving in the receiving step and outputting a combination of the GUI and the video information.

16. (Withdrawn) An information receiving apparatus for use in a second network which operates in accordance with a second clock signal, designed to receive a packet transmitted from an information transmitting apparatus incorporated in a first network which operates in accordance with a first clock signal, characterized by comprising: receiving means for receiving the packet transmitted; detecting means for detecting a lag between the first clock signal and the second signal used in the first network and the second network, respectively, on the basis of the packet received by the receiving means; changing means for changing time information contained in the packet, in accordance with the lag detected by the detecting means; and output means for outputting the packet received by the receiving means, in accordance with the time information changed by the changing means.

17. (Withdrawn) An information receiving apparatus according to claim 16, characterized in that storage means is further provided for storing the packet received by the receiving means, and the detecting means detects the lag between the first and second clock signals, on the basis of a size of the packet stored in the storage means.

18. (Withdrawn) An information receiving apparatus according to claim 17, characterized in that the storage means includes FIFO.

19. (Withdrawn) An information receiving apparatus according to claim 17, characterized by further comprising storage control means for storing an empty packet into the storage means in accordance with detection results of the detecting means.

20. (Withdrawn) A method of receiving information in an information receiving apparatus used in a second network which operates in accordance with a second clock signal, designed to receive a packet transmitted from an information transmitting apparatus incorporated in a first network which operates in accordance with a first clock signal, characterized by comprising: a receiving step of receiving the packet transmitted; a detecting step of detecting a lag between the first clock signal and the second signal used in the first network and the second network, respectively, on the basis of the packet received in the receiving step; a changing step of changing time information contained in the packet, in accordance with the lag detected in the detecting step; and an outputting step of outputting the packet received in the receiving step, in accordance with the time information changed in the changing step.

21. (Withdrawn) A recording medium recording a program designed to perform a process in a second network which receives a packet transmitted from a first network operating in accordance with a first clock signal and which operates in accordance with a second clock signal asynchronous with the first clock signal, characterized in that said program can be executed by a computer and includes: a reserving step of receiving the packet transmitted; a receiving step of receiving the packet transmitted; a detecting step of detecting a lag between the first clock signal and second signal used in the first network and the second network, respectively, on the basis of the packet received in the receiving step; a changing step of changing time information contained in the packet, in accordance with the lag detected in the detecting step; and an outputting step of

outputting the packet received in the receiving step, in accordance with the time information changed in the changing step.